

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

Allen Redding on behalf of minor son D.R.,

Plaintiff,

-vs-

Kenmare Public School, through its Board of Education; Alex Hennix, in her official and individual capacity; Doe Defendants 1-20, in their individual and official capacity,

Defendants.

Civil No. 1:23-cv-25

**SCHOOL DEFENDANTS' MOTION
TO DISMISS**

[¶1] **COME NOW**, Kenmare Public School, through its Board of Education, Alex Hennix, in her official and individual capacity, (collectively “Defendants”), in the above-entitled case, by and through their undersigned attorneys of record, and respectfully move this Court, pursuant to Fed. R. Civ. P. Rule 12 for an Order to dismiss in total, and with prejudice, all of the claims within Plaintiff’s Complaint, including

Count One: Violation of Title IX of the Education Act Amendments of 1972;

Count Two: First Amendment Violation;

Count Three: Fourteenth Amendment Violation;

Count One: Breach of Contract; and,

Count One: Negligent Infliction of Emotional Distress.

all for failure to state a claim upon which relief may be granted. This motion is based upon all the pleadings and proceedings herein, including the Defendants’ Memorandum in Support of Motion to Dismiss. This motion is made for good cause and not for purposes of delay.

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[¶2] **DATED** this 20th day of April, 2023.

PEARSON CHRISTENSEN, PLLP

/s/ Daniel L. Gaustad

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Board of Education, and Alex Hennix